

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited,

Plaintiff,

v.

6.21 CARAT DIAMOND,

Defendant-in-rem,

Jay Waldmann,

**Stipulation and Order**

Case No. 08-CV-2006  
(SHS)

Claimant-Defendant.

**IT IS HEREBY STIPULATED AND AGREED** between the undersigned counsel and/or representatives for the parties to this action that

**WHEREAS** plaintiffs Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited (the "Insurers") have moved for a declaratory judgment on default and on the merits (Doc No. 9), which motion is scheduled to be heard by this Court on May 23, 2008, and

**WHEREAS** defendant Jay Waldmann hereby relinquishes all claims to right, title or interest in the Diamond, and withdraws his objections to the defendant-in-rem 6.21 carat diamond (the "Diamond") being turned over to the custody of the Insurers, and

**WHEREAS** the Diamond is currently in the custody of the Gemological Institute of America in New York ("GIA");

**IT IS HEREBY ORDERED** that the Diamond is the rightful property of the Insurers and as such,

**IT IS FURTHER ORDERED** that GIA shall expeditiously transfer possession of the Diamond to the Insurers, and

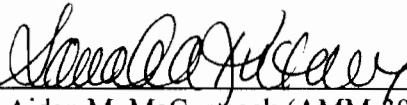
**IT IS FURTHER ORDERED** that this action is hereby discontinued and the clerk of this Court is directed to close this matter as of this date, *and*

*the Notice of Motion for a Declaratory Judgment on Default [9] is dismissed on motion.*

**SO STIPULATED AND AGREED:**

Dated: May 19, 2008  
New York, New York

**NIXON PEABODY LLP**

By:   
Aidan M. McCormack (AMM-3017)  
Sarah Anne Kutner (SAK-6516)  
437 Madison Avenue  
New York, New York  
(T) (212) 940-3000  
*Attorneys for Plaintiffs*

Dated: May 19, 2008  
New York, New York

**TUCKER & LATIFI LLP**

By:   
Robert L. Tucker, Esq.  
Tucker & Latifi, LLP  
160 East 84th Street  
New York, NY 10028  
(T) (212) 472-6262  
*Counsel to Jay Waldmann*

**ORDER**

Good cause therefore appearing, **IT IS SO ORDERED.**

Dated: May 27, 2008  
New York, New York

  
Hon. Sydney H. Stein  
United States District Judge